

12. (Currently amended) The device of claim 8 3, wherein said fastening member comprises one or more adjustable straps that connect one side of said wrist and forearm sections to the other side of said wrist and forearm sections.

13. (Currently amended) A device for conditioning arms and upper body muscles comprising:

(a) an unweighted glove section,

(b) a forearm section, said glove and forearm sections comprising one or more pliable members;

(c) a weight comprising a plurality of weights located, attached to or integrated with said forearm section, said plurality of objects being iron or some similarly dense sand enclosed by a pliable material, such that said weight is flexible and is able to conform generally to the shape and dimensions of the wearer's wrist or forearm; and

(d) a fastening member, said fastening member comprising at least one adjustable strap that extends around said weight, whereby said weight is comfortably and securely secured to the wrist of a user.

14. Cancelled

REMARKS

This application has been reviewed in light of the Office Action dated September 23, 2005. Two independent claims are pending in the application. Support for the amendments can be found throughout the specification and figures of the present disclosure and recite aspects of the

disclosure that Applicant is believed to be entitled. Applicant submits that no new matter or issues are introduced by the amendments.

Claim 8 has been put into independent form. Claim 8, as previously submitted (and as presently included in independent form), claimed the combination of a particulate weight held against the body by the forearm section using a securement band. This combination is very secure and prevents damage due to flopping of the weight against the body. It is also very comfortable because the particulate material conforms to the body shape. This is particularly important in the case of portions of the body which are not well cushioned, for example, the wrist.

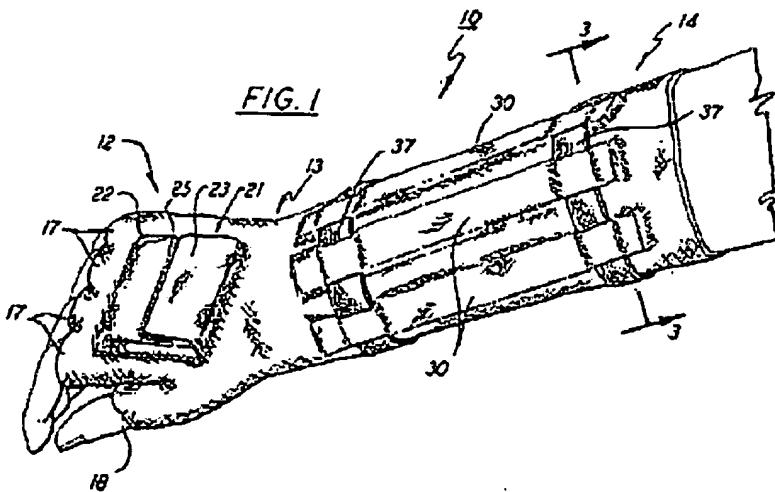
Care has been taken to literally include the language and form of the claim language previously incorporated by the dependencies.

Other claims have had their dependencies corrected to reflect the cancellation of claims 1, 3 and 4, now included in claim 8.

Turning to independent claim 13, this claim has been amended to include the combination of a particulate weight held against the body. It thus raises no new issues and includes limitations which render the claim patentable. As previously filed it included a strap which adjustably extends around the weight. Thus, it is more limited than claim 8 and is proper. Present disclosure is directed to Applicant's inventive glove device that develops, strengthens and tones the arm and upper body muscles. The glove of the present invention achieves many benefits by disposing weights about a wrist of a user, as claimed in claim 13, in a configuration that conforms to the shape of the wrist and permits movement during exercise and other activities. This advantageously configured glove provides substantially unfettered movement of the hand to allow a user participation in a wide range of athletic activities, while exercising the muscles. This argument only applies to independent claim 13.

In the Office Action, claims 1, 2, 5, 6 and 13 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,330,120 to Netti (Netti '120).

Referring to FIG. 1 reproduced below, the Netti '120 patent shows a glove containing three sections: a hand section 12, a wrist section 13, and a forearm section 14 (col. 3, lines 19-21 of the Netti '120 specification). The glove includes weights strategically positioned with the hand and posterior forearm of the user (col. 2, lines 9 and 17-20). Specifically, a weight 22 is contained in a pocket 20 of hand section 12 (col. 3, lines 41-60) and weights 31 are contained in pockets 30, which are disposed along the posterior of forearm section 14 (col. 3, lines 64-68 through col. 4, line 1). In contrast to Applicant's claimed invention, the Netti '120 patent does not disclose a glove that supports weights about the wrist. The Netti '120 patent specifically teaches away from such a configuration by requiring weights to be positioned at the posterior of the forearm and the back of the hand. This argument applies only to claim 13.



The Netti '120 patent in no way discloses or suggests structure as recited in amended claims 8 and 13. The Netti '120 patent does not disclose or suggest a device for conditioning arms and upper body muscles of a user including weights disposed about a wrist of the user, whereby the weights are configured to conform to the shape of the wrist and permit movement of a hand and the wrist of the user. Rather, the Netti '120 patent shows a glove that specifically requires weights to be positioned at the posterior of the forearm and the back of the hand. In contrast, Applicant's advantageous design disposes weights about a wrist of a user in a

configuration that provides substantially unfettered movement of the hand to allow a user participation in a wide range of athletic activities, while exercising the muscles. This argument applies only to claim 13.

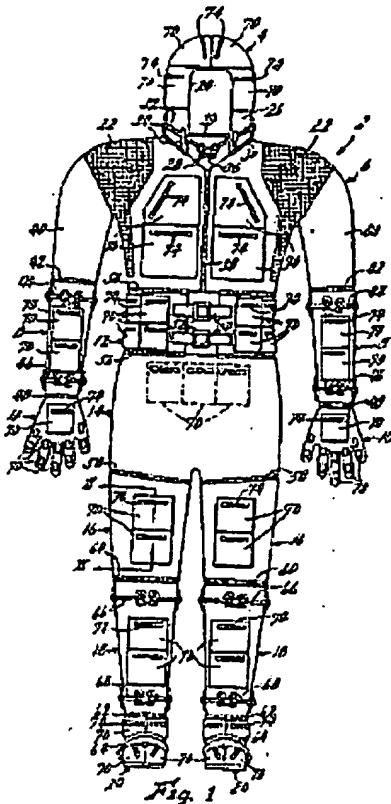
Because of the above distinctions, it is respectfully submitted that amended independent claims 8 and 13, and the claims depending therefrom are not obvious over the Netti '120 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claim 3, 4, 7-12 and 14 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,759,510 to Jackson, Jr. (Jackson '510) in view of the Netti '120 patent.

The Netti '120 patent has been discussed. Referring to Fig. 1 reproduced below, the Jackson '510 patent discloses an exercise garment 2 having weighted pockets 70/72 attached to armlets 8, at the posterior forearm, and a glove 10, along the back of the hand and fingers. (col. 2, lines 64-68 through col. 3, lines 1-55). In contrast to Applicant's claimed invention, the Jackson '510 patent does not disclose a glove that supports weights about the wrist. The Jackson '510 patent specifically teaches away from such a configuration by requiring weights to be positioned at the posterior of the forearm and along the back of the hand and fingers. This argument applies only to claim 13.

Filed: April 1, 2004

J. Tomlin



The Jackson '510 patent in no way discloses or suggests structure as recited in amended claims 8 and 13. The Jackson '510 patent does not cure the deficiencies of the Netti '120 patent in that the Jackson '510 patent does not disclose or suggest, *inter alia*, the use of a securement which makes the weights bear against the body, as claimed in claim 8 as previously submitted to the office, and now written an independent form.

The Jackson '510 patent does not cure the deficiencies of the Netti '120 patent in that the Jackson '510 patent does not disclose or suggest, *inter alia*, a device for conditioning arms and upper body muscles of a user including weights disposed about a wrist of the user, whereby the weights are configured to conform to the shape of the wrist and permit movement of a hand and the wrist of the user. Rather, the Jackson '510 patent shows a glove that specifically requires weights to be positioned at the posterior of the forearm and along the back of the hand and fingers. This argument applies only to claim 13.

Because of the above distinctions, it is respectfully submitted that amended independent claims 8 and 13, and the other claims ultimately depending therefrom are patentable and not obvious over the Jackson '510 patent in any combination with the Netti '120 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-20 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicant's undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0369 therefor.

Respectfully submitted,



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Dated: December 23, 2005

Application Serial No. 10/816,129

Filed: April 1, 2004

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